

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

September 19, 2005

At 9:33 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Raye, Associate Justice; Cantil-Sakauye, Associate Justice and Guzman, bailiff.

C048400 THE PEOPLE v. LEONARD

Order to Show Cause hearing held. Reporter Kimberly Goldsberry appeared. The OSC was discharged.

C048943 THE PEOPLE v. KARSAI

Order to Show Cause hearing held. Reporter Kimberly Goldsberry appeared. The OSC was discharged.

C049164 THE PEOPLE v. JONES

Order to Show Cause hearing held. Reporter Kimberly Goldsberry appeared. The OSC was discharged.

At 10:09 the court recessed until 9:30 a.m., Tuesday, September 20, 2005.

C046842 THE PEOPLE v. JAMES (Not for Publication)

The judgment is affirmed and the trial court is directed to prepare an amended abstract of judgment...

BLEASE, Acting P.J.

We Concur: Morrison, J.
Hull, J.

C049568 THE PEOPLE v. McCLOUR (Not for Publication)

C049569 The judgment is affirmed.

ROBIE, J.

We Concur: Scotland, P.J.
Blease, J.

C048895 In re JAMES S. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. JAMES S. (Not for Publication)

The orders of the juvenile court are affirmed.

ROBIE, J.

We Concur: Scotland, P.J.
Blease, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
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The Minutes

September 19, 2005, continued

**C049480 In re P.K. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. TANYA C. (Not for Publication)**

The orders denying appellant's petitions for modification and terminating her parental rights are affirmed.

SIMS, J.

We Concur: Scotland, P.J.

Davis, J.

September 20, 2005

MISC ORDER 2005-008

By The Court:

Associate Justice Rodney Davis is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 75, 76, 77, and 78, during the absence of the Presiding Justice from the court on September 29, 2005, or until his return. (See Cal. Const. Art 6, Sec. 3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

MISC ORDER 2005-009

By The Court:

Associate Justice Rick Sims is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 75, 76, 77, and 78, during the absence of the Presiding Justice from the court on September 30, 2005, or until his return. (See Cal. Const. Art 6, Sec. 3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

MISC ORDER 2005-010

By The Court:

Associate Justice Rick Sims is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 75, 76, 77, and 78, during the absence of the Presiding Justice from the court on October 5, 2005, or until his return. (See Cal. Const. Art 6, Sec. 3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

At 9:32 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Nicholson, Associate Justice; Raye, Associate Justice and Guzman, bailiff.

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The Minutes

September 20, 2005, continued

C046543 BULAICH v. CALIFORNIA DEPARTMENT OF HEALTH AND HUMAN SERVICES et al.

Cause called. Gary B. Wesley argued for appellant. Christopher Krueger, Deputy Attorney General, argued for respondent DHS. Harry A. Oberhelman argued for respondent McNutt. Cause submitted.

At 10:08 a.m., the court recessed. At 10:13 a.m., the court reconvened with Scotland, Presiding Justice; Nicholson, Associate Justice; and Morrison, Associate Justice.

C046629 KUHL et al. v. LITTON LOAN SERVICING L.P.

Cause called. Jeffrey H. Ochrach argued for appellants. Davev "Dave" Shenian argued for respondent. Cause submitted.

At 10:43 a.m., the court recessed. At 10:48 a.m., the court reconvened with Davis, Associate Justice; Nicholson, Associate Justice; and Raye, Associate Justice.

C047162 HENDERSON v. THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

Cause called. John P. Henderson argued for appellant. Christopher M. Patti argued for respondent. Cause submitted.

At 11:13 a.m., the court recessed. At 11:16 a.m., the court reconvened with Davis, Associate Justice; Nicholson, Associate Justice; and Hull, Associate Justice.

C047923 SAVILLE v. SIERRA COLLEGE et al.

Cause called. Leslie M. Mitchell argued and Anthony M. Ontiveros appeared only for appellant. Luther R. Lewis argued for respondents. Cause submitted.

At 12:01 p.m., the court recessed. At 12:05 p.m., the court reconvened with Davis, Associate Justice; Morrison, Associate Justice; and Cantil-Sakauye, Associate Justice.

C047504 LUCKEY v. THE LUCKEY COMPANY et al.

Cause called. Charles A. Tweedy argued for appellant. Kevin Jeffrey argued for respondents Klein et al. Cause submitted.

At 12:21 p.m., the court recessed until 9:30 a.m., Wednesday, September 21, 2005.

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The Minutes

September 20, 2005, continued

- C046393 THE PEOPLE v. ROSALES (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Blease, J.
Hull, J.
- C048331 THE PEOPLE v. SOMMERVILLE (Not for Publication)**
The judgment is affirmed.
ROBIE, J.
We Concur: Nicholson, Acting P.J.
Raye, J.
- C048396 THE PEOPLE v. BRENNAN (Not for Publication)**
The matter is remanded to the trial court for resentencing...
Robie, J.
We Concur: Nicholson, Acting P.J.
Raye, J.
- C049155 THE PEOPLE v. VARGAS (Not for Publication)**
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Davis, Acting P.J.
Raye, J.
- C048370 ADVANCED DIAGNOSTIC SERVICES MEDICAL LABORATORY v. STATE
DEPARTMENT OF HEALTH SERVICES (Not for Publication)**
The judgment denying ADSML's petition for writ of mandate is affirmed...
CANTIL-SAKAUYE, J.
We Concur: Scotland, P.J.
Nicholson, J.

September 21, 2005

At 9:31 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Blease, Associate Justice; Cantil-Sakauye, Associate Justice and Rios, bailiff.

- C046646 PALAZZOLO, INC, et al. v. NEIL & ASSOCIATES, INC., et al.**
Cause called. Patrina Katz argued for appellants. Dean J. McElroy argued for respondents. Cause submitted.

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September 21, 2005, continued

C044213 THE PEOPLE v. DIETLE

Cause called. Geri Green, court appointed counsel, argued for appellant. Catherine G. Tenant, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:29 a.m., the court recessed. At 10:32 a.m., the court reconvened with Scotland, Presiding Justice; Raye, Associate Justice; and Hull, Associate Justice.

C048274 GETTINGS v. GETTINGS

Cause called. Jimmy Gettings argued In Pro Per as appellant. Regina Gettings In Pro Per as respondent, did not argue. Cause submitted.

At 10:50 a.m., the court recessed. At 10:53 a.m., the court reconvened with Blease, Associate Justice; Morrison, Associate Justice; and Hull, Associate Justice.

C047202 WICHMANN v. MENDOZA

Cause called. Edward Friedberg argued for appellant. Klaus J. Kolb argued for respondent. Cause submitted.

C047209 BOYER v. BOYER

Cause called. Robert L. Boyer argued In Pro Per as appellant. Marni A. Boyer argued In Pro Per as respondent. Cause submitted.

At 11:41 a.m., the court recessed. At 2:00 p.m., the court reconvened with Scotland, Presiding Justice; Davis, Associate Justice; and Morrison, Associate Justice.

C044191 THE PEOPLE v. SMITH

Cause called. Kathryn K. Druliner argued for appellant. David A. Eldridge argued for respondent. Cause submitted.

At 2:41 p.m., the court recessed. At 2:45 p.m., the court reconvened with Davis, Associate Justice; Morrison, Associate Justice; and Cantil-Sakauye, Associate Justice.

C048130 HERZBERG et al. v. COUNTY OF PLUMAS

Cause called. Kevin D. Koons argued for appellants. Brian L. Morris argued for respondent. Cause submitted.

At 3:06 p.m., the court recessed. At 3:10 p.m., the court reconvened with Raye, Associate Justice; Hull, Associate Justice; and Cantil-Sakauye, Associate Justice.

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September 21, 2005, continued

- C047314 PALLCO ENTERPRISES, INC. v. BEAM et al.**
Cause called. John David Periera argued for appellant. Dennis L. Viglione argued for respondents. Cause submitted.
- At 3:34 p.m., the court recessed until 9:30 a.m., Monday, September 26, 2005.
- C047115 THE PEOPLE v. ALEXANDER (Not for Publication)**
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Scotland, P.J.
Nicholson, J.
- C048248 In re MACKEN, on Habeas Corpus (Not for Publication)**
The petition for writ of habeas corpus is granted...
SCOTLAND, P.J.
We Concur: Sims, J.
Raye, J.

September 22, 2005

- C045579 THE PEOPLE v. ALVARADO et al. (Not for Publication)**
The true finding on the volume enhancement associated with the conspiracy count is reversed as to each defendant...
NICHOLSON, Acting P.J.
We Concur: Raye, J.
Hull, J.
- C047458 THE PEOPLE v. SMITH (Not for Publication)**
The order dismissed the charges against defendant is reversed and the case is remanded to the trial court with directions to enter an order denying the motion to suppress evidence.
SIMS, Acting P.J.
We Concur: Raye, J.
Hull, J.
- C047680 THE PEOPLE v. LOPES (Not for Publication)**
The judgment is modified... As so modified, the judgment is affirmed...
SCOTLAND, P.J.
We Concur: Sims, J.
Davis, J.

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The Minutes

September 22, 2005, continued

C048885 THE PEOPLE v. KONDRATH, JR. (Not for Publication)
The judgment is modified... As modified, the judgment is affirmed...
SCOTLAND, P.J.
We Concur: Sims, J.
 Davis, J.

C046570 SAN JOAQUIN REGIONAL TRANSIT DISTRICT v. VUONG et al. (Not for Publication)
The judgment is affirmed...
SIMS, Acting P.J.
We Concur: Davis, J.
 Cantil-Sakauye, J.

September 23, 2005

C044480, C046709 THE PEOPLE v. WOODCOX (Not for Publication)
The defendant's sentence is modified... In all other respects, the
judgment is affirmed.
SIMS, Acting P.J.
We Concur: Robie, J.
 Cantil-Sakauye, J.

C045009 THE PEOPLE v. HALL et al. (Not for Publication)
The judgment is affirmed.
RAYE, Acting P.J.
We Concur: Hull, J.
 Cantil-Sakauye, J.

C048260 THE PEOPLE v. BUSER (Certified for Partial Publication)
The judgment is affirmed. The trial court is directed to correct the abstract
of judgment as stated in the opinion and to forward a certified copy of the
corrected abstract of judgment to the Department of Corrections.
SIMS, Acting P.J.
We Concur: Davis, J.
 Morrison, J.

C047195 WILLIAMS v. McMILLIN (Not for Publication)
The order denying defendant's special motion to strike is reversed...
SIMS, Acting P.J.
We Concur: Nicholson, J.
 Cantil-Sakauye, J.